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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 KMAN HALLUCKY,

9 Petitioner,

10 v.

11 ICE FIELD OFFICE DIRECTOR,

12 Respondent.

13 CASE NO. 23-cv-1256

14 ORDER ADOPTING REPORT AND
15 RECOMMENDATION

16 On August 15, 2023, Petitioner Kman Hallucky initiated this *pro se* 28 U.S.C.
17 § 2241 habeas action to be released from custody at the Northwest ICE Processing
18 Center in Tacoma, Washington. Dkt. No. 1-1. The Government moved to dismiss
19 Hallucky's complaint on September 26, 2023, arguing it was moot because Hallucky
20 had been released from federal custody. *See* Dkt. No. 7. Hallucky did not respond to
21 the Government's motion. *See* Dkt.

22 On October 24, 2023, the Honorable David W. Christel, Chief United States
23 Magistrate Judge for the Western District of Washington, issued a Report and
 Recommendation ("R&R") recommending that the Court dismiss Hallucky's case
 without prejudice. Dkt. No. 8. Hallucky did not object to Judge Christel's Report

1 and Recommendation. *See* Dkt. Ultimately, Judge Christel's R&R was returned to
2 the Court as undeliverable. Dkt. No. 9. The Court agrees with Judge Christel's R&R
3 that Hallucky's complaint should be DISMISSED as moot.

4 In addition to being moot, the Court notes that Hallucky's complaint should
5 be dismissed for failure to prosecute. Under LCR 41(b)(2), a *pro se* party is required
6 to "keep the court . . . advised as to his . . . current mailing address . . ." If the Postal
7 Service returns to the Court mail addressed to a plaintiff as undeliverable, and if
8 the plaintiff "fails to notify the court . . . within 60 days thereafter of his . . . current
9 mailing address . . . the court may dismiss the action without prejudice for failure to
10 prosecute." LCR 41(b)(2).

11 Here, the clerk sent Hallucky Judge Christel's R&R at "NW Detention
12 Center, 1623 E. J Street, Suite 5, Tacoma WA 98421-1615." Dkt. No. 9. The R&R
13 was returned to the Court and marked as "Unable to Forward" and dated November
14 5, 2023. *Id.* Hallucky has not updated his mailing address from the "NW Detention
15 Center" address. *See* Dkt. And as of January 5, 2024, Hallucky failed to notify the
16 Court within 60 days of his change of address. *See id.* Therefore, his action is
17 DISMISSED without prejudice for failure to prosecute.

18 Based on its review of the R&R and the remaining record, the Court finds
19 and ORDERS as follows:

- 20 1. The Court adopts the R&R and GRANTS the Government's motion to
21 dismiss. Dkt. No. 7.
- 22 2. The case is DISMISSED without prejudice for mootness and failure to
23 prosecute.

- 1 3. The Court enters the Proposed Judgment (Dkt. No. 8-2).
2 4. This Clerk is directed to send uncertified copies of this Order to Petitioner
3 at his last known address, all counsel of record, and the Hon. David W.
4 Christel.

5 Dated this 8th day of January, 2024.

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8 Jamal N. Whitehead
9 United States District Judge
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